

PATENT

Atty. Dkt. No. 003493.00291 (ATT 2001-0305)

REMARKS

In view of the following discussion, the Applicants submit that none of the claims now pending in the application are made obvious under the provisions of 35 U.S.C. § 103. Thus, the Applicants believe that all of these claims are now in allowable form.

I. REJECTION OF CLAIMS 1-13 AND 16 UNDER 35 U.S.C. § 103**A. Claims 1-7, 9-12 and 16**

The Examiner rejected claims 1-7, 9-12 and 16 as being unpatentable in view of Lesley (U.S. Patent 6,333,976, issued on February 13, 2001, hereinafter "Lesley") in view of Davitt, et al. (U.S. Patent 6,137,872, issued on October 24, 2000, hereinafter "Davitt"). The Applicants respectfully traverse the rejection.

Lesley teaches a method and apparatus for providing prepaid telecommunications services. Instead of requiring a customer to carry around one or more prepaid telephone calling cards, a communications network-based solution is provided that facilitates both prepayment and use of prepay telecommunications services. (See Lesley, Abstract).

Davitt teaches a combination pre-paid and calling card service. Davitt teaches that a methodology associated with the pre-paid calling card allows the subscriber to continue a call upon depletion of the card. (See Davitt, col. 4, ll. 4-8).

The Examiner's attention is directed to the fact that Lesley and Davitt, alone or in any permissible combination, completely fails to teach or to suggest a system or method for automated interactive management of a communication service account comprising a server and modifying a first account parameter and a second account parameter in response to a customer-initiated signal, wherein the first account parameter is a number of calling plan minutes allocated for a first time period and the second account parameter is a number of calling plan minutes allocated for a second time period, as positively claimed by the Applicants' independent claims. To illustrate, Applicants' independent claim 1 recites:

1. A system for automated interactive management of a communication service account, said account having parameters establishing rules of use, comprising:
a server; and

PATENT

Atty. Dkt. No. 003493.00291 (ATT 2001-0305)

a data storage device in communication with the server, the data storage device comprising account data that comprises the parameters establishing rules of use of at least one subscribed communication service, where said at least one subscribed communication service is accessible by a user device,

wherein the server is configured to receive a customer-initiated signal requesting modification of a first account parameter and a second account parameter from said parameters and to modify the first account parameter and the second account parameter in response to the customer-initiated signal,

wherein the server is further configured to update the first account parameter based upon use of the at least one subscribed communication service by the user device, and the server is further configured to, upon the first account parameter reaching a first predetermined value, automatically reset the first account parameter to a second predetermined value,

wherein the first account parameter is a number of calling plan minutes allocated for a first time period, the second account parameter is a number of calling plan minutes allocated for a second time period, the server is configured to update the number of calling plan minutes allocated for all time periods based upon the user device placing a plurality of wireless telephone calls, the first predetermined value is a minimum calling plan minute threshold, and the second predetermined value is larger than the first predetermined value. (Emphasis added).

In one embodiment, Applicants' system and method teach automated interactive management of a communication service account where the account data comprises modifying first and second account parameters in response to a customer-initiated signal, wherein the first account parameter is a number of calling plan minutes allocated for a first time period and the second account parameter is a number of calling plan minutes allocated for a second time period. (e.g., See Applicants' specification, para. 20). For example, subscribers can exchange minutes applicable for one period for minutes applicable in a second period for a subscribed communication service. (See *Id.*). In other words, Applicants' invention allows usage parameters associated with a subscribed communication service to be adjustable by a user in an automated and interactive manner. The communication service is not being provisioned by the user-initiated signal. Instead, the user is able to manipulate the usage parameter, e.g., dialing plan, of the existing subscribed communication service.

Lesley fails to teach or suggest modifying first and second account parameters in response to the customer-initiated signal, wherein the first account parameter is a number of calling plan minutes allocated for a first time period and the second account

PATENT

Atty. Dkt. No. 003493.00291 (ATT 2001-0305)

parameter is a number of calling plan minutes allocated for a second time period. Lesley only teaches that a user may increase the amount on a pre-pay calling account. (See col. 8, l. 1 – col. 9, l. 5). In other words, Lesley only teaches modifying a single account parameter (i.e. the pre-pay calling account). The Examiner concedes this in the Office Action dated January 8, 2008. (See Office Action, page 4, lines 3-7). However, the Examiner then alleges that Davitt bridges the substantial gap left by Lesley.

Davitt fails to bridge the substantial gap left by Lesley because Davitt also fails to teach or to suggest modifying first and second account parameters in response to the customer-initiated signal, wherein the first account parameter is a number of calling plan minutes allocated for a first time period and the second account parameter is a number of calling plan minutes allocated for a second time period. As previously argued, Davitt only teaches a methodology associated with a pre-paid calling card that allows the subscriber to continue a call upon depletion of the card. (See Davitt, col. 4, ll. 4-8). In other words, the pre-paid calling card does not have a second account parameter associated with it so that a subscriber may exchange calling plan minutes allocated for a second time period with calling plan minutes allocated for a first time period. Rather, Davitt only teaches that a user has the option of automatically or manually replenishing the pre-paid calling card by being billed, using a credit card or some other form of payment. (See Davitt, col. 4, ll. 18-25, 54-58). In contrast, the Applicants' invention teaches modifying first and second account parameters in response to the customer-initiated signal, wherein the first account parameter is a number of calling plan minutes allocated for a first time period and the second account parameter is a number of calling plan minutes allocated for a second time period. For example, subscribers can exchange minutes applicable for one period for minutes applicable in a second period for a subscribed communication service. (e.g., See Applicants' Specification, para. [20]).

The Applicants note that the Examiner continues to allege that Davitt teaches the above limitations in the Office Action on page 4, lines 8-12. However, the Examiner simply recites the limitations of the Applicants' claims while citing Davitt. The Applicants respectfully request that the Examiner provides reasoning as to why the Examiner

PATENT

Atty. Dkt. No. 003493.00291 (ATT 2001-0305)

believes that Davitt teaches the Applicants' limitations or a detailed explanation of the Examiner's interpretation of Davitt on column 5, line 8 to column 6, line 34 to help move prosecution forward. The Applicants respectfully submit that the section of Davitt cited by the Examiner simply does not teach modification of a second parameter. Rather, Davitt only teaches the ability to replenish a depleted account during a call. (See Davitt, col. 5, line 8 – col. 6, line 34). Therefore, Lesley and Davitt clearly fail to render obvious Applicants' independent claim 1.

Moreover, dependent claims 2-7, 9-12 and 16 depend, either directly or indirectly, from independent claim 1 and recite additional limitations. As such, and for the exact same reason set forth above, the Applicants submit that claims 2-7, 9-12 and 16 are also patentable and not obvious over Lesley in view of Davitt. As such, the Applicants respectfully request the rejection be withdrawn.

B. Claims 8 and 13

The Examiner rejected claims 8 and 13 as being unpatentable in view of Lesley in view of Davitt and in further view of Burton, et al. (U.S. Patent Publication 2002/0055878, published on May 9, 2002, hereinafter "Burton"). The Applicants respectfully traverse the rejection.

The teachings of Lesley and Davitt have been discussed above. Burton teaches methods and apparatus for on-line ordering. The invention provides a system and method for ordering supplies from suppliers or other e-commerce activities and standards for placing orders and registering catalog information in a database. (See Burton, Abstract.)

The Examiner's attention is directed to the fact that the alleged combination (as taught by Lesley, Davitt, and Burton) fails to disclose the novel system or method for automated interactive management of a communication service account comprising a server and modifying first and second account parameters in response to the customer-initiated signal, wherein the first account parameter is a number of calling plan minutes allocated for a first time period and the second account parameter is a number of calling plan minutes allocated for a second time period, as positively claimed by the Applicants' independent claim 1. (See *supra*).

PATENT

Atty. Dkt. No. 003493.00291 (ATT 2001-0305)

The Applicants' invention teaches a system or method for automated interactive management of a communication service account comprising a server and modifying first and second account parameters in response to the customer-initiated signal, wherein the first account parameter is a number of calling plan minutes allocated for a first time period and the second account parameter is a number of calling plan minutes allocated for a second time period. In contrast, as discussed above, the combination of Lesley and Davitt simply does not teach or suggest the novel system or method for automated interactive management of a communication service account comprising a server and modifying first and second account parameters in response to the customer-initiated signal, wherein the first account parameter is a number of calling plan minutes allocated for a first time period and the second account parameter is a number of calling plan minutes allocated for a second time period.

Moreover, Burton does not bridge the substantial gap left by Lesley and Davitt because Burton also fails to teach or suggest a system or method for automated interactive management of a communication service account comprising a server and modifying first and second account parameters in response to the customer-initiated signal, wherein the first account parameter is a number of calling plan minutes allocated for a first time period and the second account parameter is a number of calling plan minutes allocated for a second time period. Burton only teaches methods and an apparatus for on-line ordering. (See Burton, Abstract). Thus, for all of the above reasons, the Applicants respectfully contend that claim 1 of the present invention is not made obvious by the combination of Lesley, Davitt and Burton.

Furthermore, dependent claims 8 and 13 depend, either directly or indirectly, from claim 1 and recite additional limitations. As such, and for the exact same reason set forth above, the Applicants submit that claims 8 and 13 are also patentable and not made obvious by the teachings of Lesley, Davitt and Burton. As such, the Applicants respectfully request the rejection be withdrawn.

PATENT

Atty. Dkt. No. 003493.00291 (ATT 2001-0305)

Conclusion


Thus, the Applicants submit that all of these claims now fully satisfy the requirement of 35 U.S.C. §103. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

April 8, 2008

Patterson & Sheridan, LLP
595 Shrewsbury Avenue
Shrewsbury, New Jersey 07702


Kin-Wah Tong, Attorney
Reg. No. 39,400
(732) 530-9404